

## **H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003**

**PURPOSE:** The purpose of the Healthy Forests Restoration Act is: to reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; to authorize grant programs to improve the commercial value of forest biomass; to enhance efforts to protect watersheds and address threats to forest and rangeland health; to promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; to improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration.

### **TITLE I – FOREST HEALTH ON NATIONAL FORESTS AND PUBLIC LANDS**

Allows for authorized hazardous fuels reduction projects on federal lands that: (1) are located in an interface or intermix community, (2) are located in proximity to such communities, (3) are condition class 3 or 2 and located in proximity to a municipal water supply, (4) are condition class 3 or 2 and have been identified as an area where windthrow, blowdown, the existence or threat of disease or insect infestation poses a threat to forest or rangeland health, or (5) contain threatened and endangered species.

Limits the acreage available for authorized hazardous fuels reduction projects to 20,000,000 acres.

Requires projects to be planned and conducted in a manner consistent with land and resource management plans or an applicable land use plan.

Gives the Secretary sole discretion to plan and conduct an authorized project within certain parameters, including tree diameter size, tree density and species composition.

Codifies the public participation requirements set out in the bipartisan Western Governors Association 10-year wildfire management strategy for use in conducting hazardous fuels reduction projects.

Gives the Forest Service and Bureau of Land Management discretionary authority to limit the analysis ordinarily required under the National Environmental Policy Act (“NEPA”) to the proposed agency action, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course.

Directs the establishment of an alternative administrative review process for the Forest Service, ensuring a more timely airing of administrative challenges.

Establishes a time limit for filing a challenge to an authorized hazardous fuels reduction project to 15 days within notice of the final agency action.

Limits the duration of any preliminary injunction granted on an authorized project to 45 days.

Requires a court in which an action or an appeal is filed to render a final determination within 100 days of when the complaint or appeal is filed.

Changes the standard for injunctive relief to consider the public interest in avoiding long-term harm to the ecosystem.

## **TITLE II – BIOMASS**

Establishes two grant programs to improve the commercial value of forest biomass.

Encourages the energy-related utilization of forest biomass by offsetting the costs incurred to purchase biomass for use in an energy generation facility. Grants money to any person that owns or operates a facility that uses biomass as a raw material to produce energy.

Makes grants to persons to offset the cost of projects to add value to biomass. Selects grant recipients based on the anticipated public benefits of the project, opportunities for small businesses and potential for new job creation. Limits grants to \$100,000.

Authorizes \$25 million for each of the fiscal years 2004 through 2008.

## **TITLE III – WATERSHED FORESTRY ASSISTANCE**

Authorizes the Secretary, acting through the Forest Service, to provide technical, financial and related assistance to private forest landowners through the State foresters and equivalent state officials. Focuses assistance to the purpose of expanding state forest stewardship capacities and activities through best management practices to improve watershed health.

Includes a technical assistance program to protect water quality and a watershed cost-share program. Directs the Secretary to devote at least 75 percent of the funds appropriated in a fiscal year to the cost-share component.

Authorizes \$15 million for each of the fiscal years 2004 through 2008.

## **TITLE IV – ACCELERATED INFORMATION GATHERING TO ADDRESS INSECT INFESTATIONS**

Directs the Department of Agriculture, acting through the Forest Service and U.S. Geological Survey, to conduct an accelerated program to plan, conduct, and promote systematic information gathering on certain insect types that have caused large-scale damage to forest ecosystems.

Directs the Secretary to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to future infestations.

Directs the Secretary to disseminate the results of such information gathering, treatments and strategies.

Directs the Secretary to establish and carry out the program in cooperation with scientists from universities and forestry schools, state agencies and private and industrial landowners.

Enables the Secretary concerned to conduct applied silvicultural assessments on federal lands that the Secretary determines in its sole discretion are at risk for infestation with certain named pests. Limits such assessment areas to 1,000 acres per assessment. Applies an overall acreage limitation to 250,000 acres.

Requires the Secretary to provide notice of each applied silvicultural assessment proposed to be carried out. Requires the Secretary to provide an opportunity for public input.

Creates a categorical exclusion from further analysis under NEPA which eliminates the Secretary's responsibility to make any findings as to whether the project has a significant effect on the environment.

Authorizes the appropriation of such sums as may be necessary to carry out this title in fiscal years 2004 through 2008.

## **Title V – Healthy Forests Reserve Program**

### **§501 – Establishment of the Healthy Forests Reserve Program**

The Secretary of Agriculture will establish this program within in the Forest Service to restore degraded forest lands and to promote the recovery of endangered species.

### **§502 – Eligibility and Enrollment of Lands in Program**

The Secretary of Agriculture, in consultation with the Secretary of the Interior shall designate rare forest ecosystems to be eligible for this reserve program. Only private lands will be eligible for enrollment and those private lands that will measurably increase the likelihood of recovery of an endangered species, plant or animal, are given priority.

Lands can only be enrolled with the consent of the owner. Total enrollment is limited to 1 million acres.

Lands may be enrolled pursuant to a 10 year cost-share agreement, a 30 year easement or a permanent easement with a buyback option. The enrollment method is up to the owner.

#### §503 Conservation Plans

Once enrolled, the land will be subject to a conservation plan which is developed jointly by the land owner and the US Fish and Wildlife Service.

#### §504 Financial Assistance

In the case of land enrolled via a permanent easement with a buyback option, the Secretary of Ag shall pay the owner the fair market value of the land and the actual costs of the approved practices. Beginning on the 50<sup>th</sup> anniversary of the enrollment of the land and every 10<sup>th</sup> year thereafter, the owner shall be able to purchase the easement back from the government for the fair market value plus the costs, adjusted for inflation, of the approved conservation practices.

In the case of the land enrolled via a 30 year easement, the Sec. of Ag shall pay the owner 75% of the fair market value less the fair market value of the land encumbered by the easement plus 75% of the actual costs of the approved conservation practices.

In the case of the land enrolled via a 10 year agreement, the Sec. of Ag shall pay the owner 75% of the actual costs of the approved conservation practices or 75% of the average cost of approved conservation practices.

The Secretary may accept and use non-federal funds to make payments under this section.

#### §505 Technical Assistance

The US Forest Service and the US Fish and Wildlife Service shall provide landowners technical assistance to comply with the terms of agreements and easements created in this program.

#### §506 Safe Harbor

The Sec. of Interior shall provide a safe harbor through §7 of the Endangered Species Act (or similar assurances) to landowners who enroll in this program when such enrollment will result in a net conservation benefit for listed species.

#### §507 Authorization of Appropriations

This bill authorizes \$15 million for fiscal years 2008-08.

## **Title VI – Miscellaneous Provisions**

### **§601 – Forest Stands Inventory and Monitoring Program to Improve Detection of and Response to Environmental Threats**

The section requires the Secretary of Agriculture to carry out a comprehensive program (with an emphasis on hardwood forests stands) to inventory and monitor tree stands. The monitoring program will include both National Forest System lands and private lands with the consent of the landowner. In carrying out this monitoring program, the Secretary shall develop a comprehensive early warning system which will enable forest managers to treat the land before the threat gets out of control.

\$5 million is authorized for each of the fiscal years 2004 through 2008.